

### REMARKS

Claims 1 and 21-39 are pending in this application.

The Office Action dated December 29, 2005, has been received and carefully reviewed. In that Office Action, claims 1 and 21-39 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being obvious in view of the claims of copending application 09/935,738. Claim 1 is also rejected under 35 U.S.C. 102(a) as being anticipated by the art discussed in the background section of the present application (referred to in the Office Action as "AAPA"). No other rejections are raised in connection with claims 21-38, and it appears that these claims will be allowed once the provisional double patenting rejection is addressed. Reconsideration and allowance of claims 1 and 21-39 is respectfully requested in view of the following remarks.

### PROVISIONAL DOUBLE PATENTING

A terminal disclaimer is submitted herewith to overcome the provisional obviousness-type double patenting rejection based on U.S. 09/935,738.

### REJECTION UNDER 35 U.S.C. 102(a)

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by the information in the background section of the application. Claim 1 requires an image processing apparatus for processing RGB image data output from an image capturing element that includes, *inter alia*, a middle-high range luminance component compensation section. The background section of the application does not disclose at least this element. Middle range luminance components are compensated for by one compensation filter (having a characteristic, for example, as shown by line d of Figure 21), and high range luminance components are compensated for by another compensation filter (having a characteristic, for example, as shown by line c of Figure 21). However middle-high range luminance components are not mentioned and a middle-high range luminance component compensation section is not described or suggested in any manner.

As provided at page 15, line 19 to page 16, line 3 of the specification, a jaggy condition

may be caused when a high-range luminance component is emphasized by a compensation filter having a frequency characteristic represented by line c of Figure 21. This condition does not occur when a middle-high range component, such as is shown by line e of Figure 21, is compensated for. See, for example, page 43, lines 9-23 of the specification.

An example of compensation of a middle-high range luminance component, YH, is shown in an example associated with Figure 11. Line J of Figure 11 represents the frequency characteristic associated with a YH extraction filter, and line I represents the frequency characteristic associated with an RGB interpolation filter used in the second RGB interpolation section 12. The frequency characteristic of a luminance signal (YL + YH) is represented by line H. Accordingly, from Figure 11, it can be seen that the middle-high range luminance component YH has been compensated for. See, for example, page 50, line 18 to page 51, line 4 of the specification. As discussed in the specification, the claimed arrangement provides advantages over the art discussed in the background section of the application.

Because each element required by claim 1 is not shown in the AAPA, it is respectfully submitted that claim 1 is allowable over AAPA.

Claim 39 requires a step of generating a second luminance signal having a middle-high range luminance component from RGB image data. As discussed in connection with claim 1, the AAPA does not address such middle-high range luminance components. Claim 39 is therefore submitted to be allowable for at least the reasons provided above in connection with claim 1.

## CONCLUSION

Each issue raised in the Office Action dated December 29, 2005, has been addressed, and it is believed that claims 1 and 21-39 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

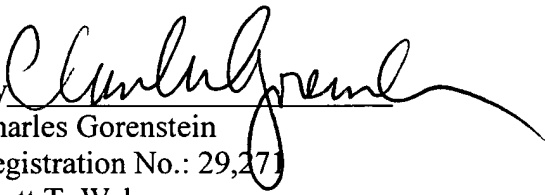
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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